

REMARKS

In the office action, the Examiner rejected claims 1-17 on obviousness grounds. The primary reference, Int'l Pat. App. No. WO 2001/066231 to Dannström et al. ("Dannstrom") was combined with U.S. Pat. No. 5,922,201 to Yamamori et al. ("Yamamori") to reject claims 1-4, 7, 8, 13-15, and 17. Claims 5 and 6 were rejected as obvious over the combination of Dannstrom, Yamamori, and Int'l Pat. App. No. WO 1999/026717 to Jitariouk ("Jitariouk"). Claims 9-11 were rejected as obvious over the combination of Dannstrom, Yamamori, and U.S. Pat. No. 4,689,150 to Abe et al. ("Abe"). Claim 12 was rejected as obvious over the combination of Dannstrom, Yamamori, and U.S. Pat. No. 5,352,361 to Prasad et al. ("Prasad"). Claim 16 was rejected as obvious over the combination of Dannstrom, Yamamori, and Abe further in view of U.S. Pat. No. 6,503,294 to Yoshikawa et al. ("Yoshikawa").

Applicants appreciate the opportunity to telephonically interview the Examiner (with her SPE in attendance) on July 15, 2008 to discuss the office action and the prior art. As discussed further below, Applicants believe that the prior art fails to teach or suggest each of the elements of the pending claims.

Rejection of claims 1-4, 7, 8, 13-15, and 17

Claims 1-4, 7, 8, 13-15, and 17 were rejected as obvious over the combination of Dannstrom and Yamamori. Claim 1 requires, among other things, a "plurality of separation assemblies" having membrane elements, wherein the membrane elements are attached to an inlet manifold at one end and an outlet manifold at the opposite end and at least one of the manifolds being unrestrained. First, neither reference teaches the use of manifolds with separation assemblies. Second, the combined references fail to teach or suggest at least one of the manifolds being unrestrained to permit axial movement. Third, the device of Dannstrom is incompatible with the device of the application. For at least these reasons, Applicants believe that the application is patentable over the prior art and request allowance of all pending claims.

First, neither of Dannstrom or Yamamori teaches the use of manifolds. The lack of manifolds in Dannstrom is admitted by the Examiner at paragraph 4 of the office action of April 24, 2008 ("OA"). Although Applicants' representative initially stated that Yamamori disclosed manifolds, closer inspection of Yamamori reveals that the reference does not teach or suggest the use of manifolds. Instead, object 1 shown in FIGs. 7 and 11 is a "structural member" for enclosing and supporting fastening members. See Yamamori, col. 3, ll. 20-30. A closer look at FIGs. 3-5 of Yamamori shows that the hollow fibers loop around hooks or other "dispensing means" in the structural member. See *Id.* at col. 8, ll. 26-36. There is no indication in Yamamori that object 1 functions as a manifold. As such, no manifold is taught or suggested by either of Dannstrom or Yamamori. For at least this reason, claim 1 is believed to be patentable over the asserted prior art. Because claims 2-17 depend from claim 1, it is believed that all pending claims are allowable over the prior art for at least this reason and Applicants respectfully request allowance of all pending claims.

Second, the combined references fail to teach or suggest at least one of the manifolds being unrestrained to permit axial movement. As noted, neither reference teaches the use of manifolds. Additionally, the Examiner notes that neither reference teaches at least one of the manifolds being unrestrained. However, the Examiner argues that the device of Yamamori "...need not be restrained because once in the vessel, [object 1] would only need the support of inlet and outlet object 9." See, OA, paragraph 5. As an initial matter, Yamamori does not disclose a vessel for containing the membrane elements. Additionally, Applicants' representative cannot find any support in the reference for the Examiner's assertion. Further, specific passages from Yamamori support the opposite conclusion: that the entire object 1 is fixed. See, e.g. Yamamori, Abst. and col. 3, ll. 53-56. As such, the teachings of the asserted references not only fail to teach or suggest "at least one of the manifolds being unrestrained," but, in fact, teach away from an unrestrained end. For at least this reason, claim 1 is believed to be patentable over the asserted prior art. Because claims 2-17 depend from

claim 1, it is believed that all pending claims are allowable over the prior art for at least this reason and Applicants respectfully request allowance of all pending claims.

Third, the device of Dannstrom is incompatible with the device of the application. Dannstrom fails to disclose many of the limitations and teaches away from many of the limitations of the claimed device. Specifically, Dannstrom teaches a single “bundle” of potted membrane tubes operating at relatively low pressures. See, e.g., Dannstrom, page 13, ll. 16-29, FIGs. 2a-2b, and page 19, ll. 27-32. A single bundle of potted tubes is entirely incompatible with the approach of having a “plurality of separation assemblies” of membrane tubes with manifolds at either end, as taught in the application. For at least these reasons, Dannstrom fails to teach or suggest each element of claim 1 of the present invention. Applicants respectfully request allowance of claim 1 and all claims depending therefrom.

Conclusion

In view of the remarks set forth above, Applicants respectfully request allowance of all pending claims. While no fees are believed to be due, the Commissioner is hereby authorized to charge the Deposit Account No. 05-1328 for any fees associated with extensions of time for this application. Further, if the Examiner believes that an additional telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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